



December 13, 2017

John G. "Jack" Hayes, Jr.
Environmental Program Manager
Delaware Department of Natural Resources and Environmental Control
Groundwater Discharges Section
89 Kings Highway
Dover, DE 19901

Re: Mountaire Farms OF Delaware, LLC Millsboro Facility

Dear Jack,

Please allow this letter to address the questions and requests set out in your e-mail to me dated December 08, 2017.

Nitrogen Loadings

As an initial matter, we respectfully disagree that our response to the NOV omitted a response to S1.b. To the contrary, the various steps identified in the corrective action work plan submitted with the NOV response are the primary methods by which we intend to correct the excessive nitrogen loading on the spray fields.

Your e-mail requested that Mountaire provide a "plan on the actions Mountaire will be undertaking to address the environmental impacts of the Nitrogen loadings which have already occurred and the on-going daily occurrences." This appears to be a follow up to the teleconference with your staff on November 30, 2017, at which time your staff requested that Mountaire perform drinking well sampling for, and offer bottled water to, a substantial number of residences south of Rt 24 and west of our facility. In response to your requests, Mountaire has already commenced providing bottled water, and has conducted residential drinking water sampling, for all of the residences you requested as well as some additional residences, both north and south of Rt. 24.

Mountaire will further do the following:

- For any residence with test results showing potable water exceeding the MCL for nitrates, Mountaire will offer to install and maintain (including media change-outs) a point-of-entry treatment system.
- For residences that have been provided bottled water and for which the sampling results show nitrate levels below MCL, Mountaire will advise the residents of the test results and will discontinue the bottled water. Mountaire will thereafter test these residences bi-annually until it is confirmed that nitrate levels remain below MCLs.



Mountaire Farms of Delaware, Inc.
P.O. Box 1320, Millsboro, Delaware 19966
(302) 934-1100 Toll Free (877) 887-1490

"We measure quality by how well we service our internal and external customers"

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Residences Tested and Supplied with Bottled Water

Attached as Exhibit A please find a spreadsheet detailing those residents who have been offered bottled water and well testing. Attached as Exhibit B is a map showing where water is being supplied, locations of wells that have been sampled, and those locations that have refused bottled water, well testing, or both.

Although Mountaire is agreeing to take these steps as an accommodation to DNREC and community concerns, Mountaire does NOT agree that elevated nitrate levels in Millsboro area drinking water is attributable to Mountaire's wastewater treatment facility generally, or in particular to the recent system upset. To the contrary, historically elevated groundwater levels of nitrates in Sussex County have been well known and extensively studied.¹ At least as far back as 1979, Millsboro has been identified in such studies as a particular problem area, with 65.8% of wells sampled containing more than 45 mg/l nitrates.² Moreover, elevated nitrates in Sussex County have been associated with various agricultural uses such as croplands and broiler farms, as well as congested residential areas without central sewerage, specifically near Millsboro.³ Given the long term nature of elevated nitrates in Sussex County groundwater, it is neither fair nor reasonable to assume that elevated levels found now are attributable only to Mountaire.

It is also important to note that, while Mountaire has agreed to provide well testing and bottled water to residential areas identified in the November 30th teleconference, we do not believe that the groundwater these areas rely upon is significantly impacted by what is occurring at the spray fields. In 2013, Mountaire engaged a consultant to evaluate the ground water gradient. You will note from the maps prepared by this consultant, attached as Exhibit C, that the gradient is south-southeasterly, rather than the generally westerly direction of the residences you requested we test and supply with water. This gradient will tend to carry any excessive nitrate loading at the spray fields away from the majority of these residences.

Mountaire greatly appreciates the cooperative posture taken by DNREC staff thus far, and we look forward to continued cooperative efforts as we work to first correct, and thereafter upgrade, the Millsboro facility wastewater treatment plant. As you know, these corrective measures and system upgrades are anticipated to cost in the excess of \$36 million; however, we believe these efforts are well worth the cost in order to ensure that Mountaire remains a good and valued neighbor and employer in the Millsboro community.

Sincerely,



Michael W. Tirrell
Executive Vice President
Processing Operations

Attachments

cc: The Honorable Shawn M. Garvin, Secretary, DNREC
Virgil R. Holmes, Section Manager, DNREC
F. Michael Parkowski, Esquire
Michael W. Teichman, Esquire

¹ Frederick N. Robertson, *Evaluation of Nitrate in Ground Water in the Delaware Coastal Plain*, Vol 17, No. 4 GROUND WATER, P. 328 (Jul-Aug 1979)

² *Id.* at 331

³ *Id.* at 334

MOUNTAIRE COOLER & NITRATE TRACKING

Revised
12-Dec-17

	COOLER	BOTTLES	COMMENTS	Nitrate
				Level mg/l
Ex. 6 - Personal Privacy			Ex. 6 - Personal Privacy	5.93
			VACANT	
				1.86
				8.06
				<0.5
				9.54
				2.83
				9.22
				4.84
				9.2
				4.91
	XX	6		6.63
			VACANT	
	X	3		<0.5
	X	3		8.18
			REMOVED COOLER 12/5	1.12
	X	3		16.7
			VACANT	
	X	3		9.73
	X	3		6.72
	X	6	2 empty returned	12.36
	X	3		7.86
	X	3		1.41
	X	3		
	X	3		
	X	3		11.06
	X	3		<0.5
			VACANT	
	X	3		<0.5
			REFUSED SERVICE	3.18
	X	3		19.8
	X	3		26.43
		3	WATER ONLY; OWNS COOLER	8.64
	X	3	REQUESTS 3 GAL	
	X	3		
	X	3		1.84
	X	3		26.92

Ex. 6 - Personal Privacy

COOLER	BOTTLES	COMMENTS	Nitrate Level mg/l
X	4		4.27
X	4 3GAL		1.58
X	4		1.45
X	4		<0.5
X	4		1.18

COOLER	BOTTLES	COMMENTS	Nitrate Level mg/l
X	3		<0.5
X	3	REFUSED WATER SAMPLE	
X	3		12.42
X	8	REFUSED WATER SAMPLE	

COOLER	BOTTLES	COMMENTS	Nitrate Level mg/l
X	3		7.67
X	3	REQUESRTS 3 GAL	<0.5
X	3		<0.5

COOLER	BOTTLES	COMMENTS	Nitrate Level mg/l
X	3		22.54
X	3		21.58
X	3		18.9
X	3	REQUESTS H/C COOLER	9.1
X	3	want to keep cooler	8.33
X	3		14.6
X	3		17.22
		REMOVED BY REQUEST	7.65
X	3		8.59

COOLER	BOTTLES	COMMENTS	Nitrate Level mg/l
X	3		23.2
X	4		28.99
X	5		22.46

			Nitrate
COOLER	BOTTLES	COMMENTS	Level mg/l
X	3		11.04
X	3		13.23
X	3		13.01
X	3		11.53
X	3		12.6
X	3		9.82
X	3		9.08
X	3		3.76
X	3		5.00
X	3		

			Nitrate Level mg/l
COOLER	BOTTLES	COMMENTS	
			6.13

			Nitrate Level mg/l
COOLER	BOTTLES	COMMENTS	
X	3		15.25
X	3		18.04
X	3		19.15
		L	6.42
X	3	Ex. 6 - Personal Privacy	17.77
XXXXX	15		11.23
		Ex. 6 - Personal Privacy	9.76
			5.14
			6.3
			0.79

Ex. 6 - Personal Privacy

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